

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

KENYA BROWN,	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:12-cv-1563 (JBA)
	:	
UNIVERSITY OF CONNECTICUT HEALTH	:	
CENTER CORRECTION MANAGED HEALTH	:	
CARE, et al.,	:	
Defendants.	:	

RUILNG ON PLAINTIFF'S MOTION COSTS OF SERVICE [Doc. #18]

The plaintiff states that filed this lawsuit against Drs. Pillai and Naqvi and mailed them notice of lawsuit and waiver of service of summons forms. The doctors did not waive service and the plaintiff now seeks personal service with the cost born by the doctors. The plaintiff's motion is denied for several reasons.

First, Drs. Pillai and Naqvi are not defendants in this case. The only defendants are Counselor Siminole and Nurse Joy. See Doc. #17. Second, the copy of the green card submitted by the plaintiff to show that he attempted service on Dr. Naqvi in this case contains the same article number and the same torn corner as the card submitted to demonstrate service in another of the plaintiff's cases, 3:13-cv-931(JBA). The cards for Dr. Pillai also appear identical. Compare Doc. #18 at 5-6 with 3:13cv931(JBA), Doc. #4 at 3-4. Thus, even if the doctors were

defendants in this case, the court cannot determine whether the plaintiff actually attempted service for this case.

Finally, if any defendant refuses to waive service of summons without good cause, the plaintiff may file a motion to recover the costs expended in effecting personal service from that defendant. See Fed. R. Civ. P. 4(d)(2). The statute specifically refers to "expenses late incurred"; it does not provide for prepayment of service costs. As the plaintiff fails to show that he has incurred any costs, a request for payment is premature.

The plaintiff's motion [Doc. #18] is **DENIED**.

So ordered.

/s/\_\_\_\_\_  
Janet Bond Arterton  
United States District Judge

Dated at New Haven, Connecticut, February 17, 2014.